

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3866

IN THE MATTER OF:

Served December 19, 1991

Application of WHEELCHAIR EXPRESS,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-91-29

By application accepted for filing on September 20, 1991, Wheelchair Express, Inc. (Express or applicant), a Maryland corporation, seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

By Order No. 3819, served September 24, 1991, notice of this application was given, and Express was directed to publish further notice in a newspaper. Order No. 3819 also directed applicant to file an affidavit of publication. Applicant's proof of publication was not accepted, resulting in the issuance of Order No. 3841, served November 7, 1991, which again required publication of notice. On November 27, 1991, applicant filed acceptable proof of publication. The application is unopposed.

SUMMARY OF EVIDENCE

Express proposes to initiate operations using three vehicles, each equipped with lifts and mechanical devices for the transportation of non-ambulatory persons. Drivers would be trained in emergency medical techniques. The application describes applicant's arrangements for vehicle maintenance and repairs. The application states that, in addition to its vehicles, applicant has garage and office facilities. Also described are applicant's minimum driver qualifications, training, and duties.

Applicant's president certifies that Express has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to safe transportation of passengers for hire.

Express filed a balance sheet as of July 15, 1991, showing current assets of \$18,032, and fixed assets of \$25,084 (after depreciation), for total assets of \$43,116. Current liabilities are shown as \$3,000; no long-term liabilities are shown. The equity accounts total \$40,116. For the first 12 months of proposed operations, Express projects operating income of \$48,000, and total operating expenses of \$41,398, resulting in net operating income of \$6,602.

The application indicates that 60 percent of applicant's stock is owned by its president and 40 percent by its vice president. It is certified that neither Express nor any person controlling, controlled by, or under common control with Express has any relationship with a carrier other than Express.

Applicant's proposed general tariff shows one-way rates as follow: \$40 for one wheelchair passenger up to 10 miles, plus \$1.50 for each additional mile. An attendant provided by Express would be an extra \$10. Additional wheelchair passengers on the same trip would be \$25 each. Round-trip rates would be \$75 for one wheelchair passenger up to 20 miles, plus \$1.50 for each additional mile. An attendant provided by Express would be an extra \$5. No rate is specified for additional wheelchair passengers on the same trip. Waiting time would be charged at \$10 for each 15 minutes, and a cancellation charge of \$20 would apply to cancellation less than one hour before scheduled pickup.

The application also includes a proposed account agreement between applicant and College Park Radiation Therapy Associates, which includes a rate structure different from the one proposed above for Express' general tariff. This proposed agreement is more specifically treated in Order No. 3834, served October 23, 1991, in Case No. AP-91-28, a companion application of Express for temporary authority. Also see Order No. 3856, served December 3, 1991.

DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant, . . . if it finds that --

(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds applicant is fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

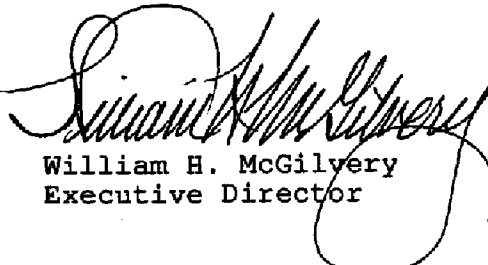
THEREFORE, IT IS ORDERED:

1. That Wheelchair Express, Inc., is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That Wheelchair Express, Inc., is hereby directed, within 30 days of the date of this order or such additional time as the Commission may direct or allow, to file (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) three copies of its tariff(s) in accordance with Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) its official business address as discussed in Regulation No. 68; and (f) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 195 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 195 shall be issued to Wheelchair Express, Inc., as appended to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 195

Wheelchair Express, Inc.

By Order No. 3866 of the Washington Metropolitan Area Transit Commission issued December 19, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the named carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the named carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the named carrier's applicable tariff on file with the Commission and (2) transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities and (b) observe and enforce Commission regulations.